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SIMILASAN CORPORATION

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

KIM ALLEN, LAINIE RIDEOUT,
and KATHLEEN HAIRSTON, *on*
behalf of themselves, all others
similarly situated, and the general
public,

Plaintiffs,

v.

SIMILASAN CORPORATION,
Defendant.

Case No. 3:12-cv-00376-BAS-JLB

CLASS ACTION

**RULE 26(a)(3) PRETRIAL
DISCLOSURES BY DEFENDANT
SIMILASAN CORPORATION**

Hon. Cynthia A. Bashant
Courtroom 4B

Complaint Filed: February 10, 2012
Trial Date: April 11, 2017
Pretrial Conference: March 6, 2017
Time: 11:00 a.m.

Pursuant to Federal Rule of Civil Procedure 26(a)(3) and this Court's Scheduling Order entered December 21, 2016 [ECF No. 239], Defendant Similasan Corporation submits the following pretrial disclosures:

I. WITNESSES

Pursuant to Federal Rule of Civil Procedure 26(a)(3)(A)(i)-(ii), Similasan sets forth the following names, addresses, and telephone numbers of the prospective witnesses, excluding impeachment witnesses, that it expects to present or that it may call if the need arises. The witnesses whom Similasan expects to present at trial are marked in bold font, whereas the witnesses it may call if the need arises are not marked in bold. Similasan also designates below which of those witnesses it intends to present by deposition. Similasan reserves the right to call any witnesses designated by Plaintiffs. Similasan further reserves the right to supplement or amend its witness list through the time of trial, including the right to supplement or amend based on any rulings provided by this Court.

WITNESS NAME	ADDRESS AND TELEPHONE NUMBER	PRESENTED BY DEPOSITION
Dan Quail	1805 Shea Center Drive, Suite 270 Highlands Ranch, CO 80129 (303) 539-4060	No
Laura Stamm	Analysis Group 111 Huntington Avenue, 10th Floor Boston, MA 02199 (617) 425-8178	No
Rommie Amaro	University of California San Diego 3234 Urey Hall, MC-0340 La Jolla, California 92093-0340 (858) 534-9629	No
Robert Field	515 Anthwyn Road Merion Station, PA 19066 (215) 571-4810	No

WITNESS NAME	ADDRESS AND TELEPHONE NUMBER	PRESENTED BY DEPOSITION
Dr. Peter Fisher	Royal London Hospital for Integrated Medicine Great Ormond Street, London WC1N 3HR, United Kingdom +44 203 448 8880	No
Hal Poret	142 Hunter Avenue Sleepy Hollow, NY 10591 (914) 772-5087	No
Yann Pigeaire	1805 Shea Center Drive, Suite 270 Highlands Ranch, CO 80129 (303) 539-4060	No
Kimberly Stark	1805 Shea Center Drive, Suite 270 Highlands Ranch, CO 80129 (303) 539-4060	Yes
Haley Ball	1805 Shea Center Drive, Suite 270 Highlands Ranch, CO 80129 (303) 539-4060	Yes
Aron Brown	1805 Shea Center Drive, Suite 270 Highlands Ranch, CO 80129 (303) 539-4060	Yes
Andreas Dehmel	1805 Shea Center Drive, Suite 270 Highlands Ranch, CO 80129 (303) 539-4060	Yes

II. EXHIBITS

Pursuant to Federal Rule 26(a)(3)(A)(iii), Similasan sets forth the following documents and exhibits it expects to offer at trial or that it may offer if the need arises, excluding those offered only for impeachment purposes. Where an exhibit is described as an email, the exhibit includes all attachments to that email.

Similasan reserves the right to supplement or amend its exhibit list through the time of trial, including the right to supplement or amend based on any rulings

provide by this Court, and to use additional documents as necessary during cross examination of Plaintiffs' witnesses. Similasan further reserves the right to use any admissions from pleadings, briefs, motions, discovery responses, other documents filed, and exhibits thereto.

EX. No.	DATE MARKED	DATE ADMITTED	DESCRIPTION
500			JOCs SIM 00050012-50264
501			JOCs SIM 00042974-43002
502			Pharmacy Times 2008 SIM 00003768-3770
503			Pharmacy Times 2010 SIM 00027759
504			Word of Mom - PER SIM 00016472
505			similasan wayback 1-2008 (http://www.similasanusa.com/HowOurProducts Work.cfm)
506			similasan wayback 1-2010 (http://www.similasanusa.com/HowOurProducts Work.cfm)
507			similasan wayback 4-2012 (http://www.similasanusa.com/about-homeopathy)
508			http://www.similasanusa.com/about-homeopathy
509			http://www.similasanusa.com/faqs
510			Bellavite, et al., Advances in homeopathy and immunology: a review of clinical research SIMX 001054
511			Bond, Richard, Is paradoxical pharmacology a strategy worth pursuing? SIMX 001055-1058

Ex. No.	DATE MARKED	DATE ADMITTED	DESCRIPTION
512			Brinkhaus, et al., Homeopathic arnica therapy in patients receiving knee surgery: Results of three randomized double-blind trials SIMX 001059- 1068
513			Calabrese, et al, The occurrence of hermetic dose responses in the toxicological literature, the hormesis database: an overview SIMX 001069- 1081
514			Chatterjee, Barun, The mathematics of Dilution SIMX 001082-1085
515			Clausen, et al., Review of the use of high potencies in basic research on homeopathy SIMX 001086-1090
516			Colas, et al., Economic impact of homeopathic practice in general medicine in France SIMX 001091-1099
517			Demangeat, Jean-Louis, Nanosized solvent superstructures in ultramolecular aqueous dilutions: twenty years' research using water proton NMR relaxation SIMX 001100-1118
518			Demangeat, Jean-Louis NMR water proton relaxation in unheated and heated ultrahigh aqueous dilutions of histamine: Evidence for an air-dependent supramolecular organization of water SIMX 001119-1126
519			Eskinazi, Daniel, Homeopathy Revisited SIMX 001127-1133
520			Fisher, et al., Correspondence SIMX 001134- 1135

Ex. No.	DATE MARKED	DATE ADMITTED	DESCRIPTION
521			Grimaldi-Bensouda, et al., Management of Upper Respiratory Tract Infections by Different Medical Practices, Including Homeopathy, and Consumption of Antibiotics in Primary Care: The EP13 Cohort Study in France 2007-2008 SIMX 001135-1141
522			Grimaldi-Bensouda, et al., Utilization of psychotropic drugs by patients consulting for sleeping disorders in homeopathic and conventional primary care settings: the EP13 cohort study SIMX 001142-1148
523			Haidvogel, et al., Homeopathic and conventional treatment for acute respiratory and ear complaints: A comparative study on outcome in the primary care setting SIMX 001148-1158
524			Jonas, et al., Homeopathy and Rheumatic Disease SIMX 001159-1165
525			Lindt, et al., Correspondence SIMX 001173- 1174
526			Ludtke, et al., The conclusions on the effectiveness of homeopathy highly depend on the set of analyzed trials SIMX 001175-1182
527			Mathie, et al., Randomised placebo-controlled trials of individualized homeopathic treatment: systematic review and meta-analysis SIMX 001183-1198

EX. NO.	DATE MARKED	DATE ADMITTED	DESCRIPTION
528			Montagnier, et al., Transduction of DNA information through water and electromagnetic waves SIMX 001199-1205
529			Rey, Louis, Thermoluminescence of ultra-high dilutions of lithium chloride SIMX 001206-1213
530			Shang, et al., Are the clinical effects of homeopathy placebo effects? SIMX 001214- 1220
531			Venard, et al., Comparative Analysis of Gelsime and <i>Gelsemium sempervirens</i> Activity on Neurosteroid Allopregnanolone Formation in the Spinal Cord and Limbic System SIMX 001221-1231
532			Witt, et al., The <i>in vitro</i> evidence for an effect of high homeopathic potencies – A systematic review of the literature SIMX 001232-1242
533			Witt, et al., Homeopathic medical practice: Long term results of a cohort study with 3981 patients SIMX 001243-1250
534			Witt, et al., Outcome and costs of homeopathic and conventional treatment strategies: A comparative cohort study in patients with chronic disorders SIMX 001252-1258
535			Compliance Policy Guide Sec. 400.400
536			Amazon.com and website testimonials SIM 00022769-22771
537			Earache relief from glycerin
538			Saline nasal irrigation
539			Nielson data, SIM 00050386 - 50389

EX. NO.	DATE MARKED	DATE ADMITTED	DESCRIPTION
540			Similasan Nielsen Xtab Rpt 1 21 15 SIM 00050386-50389 (Native)
541			Plaintiff Lanie Rideout's Responses to Defendant Similasan Corporation's 1st Set of Interrogatories 2014-01-31
542			Plaintiff Lanie Rideout's First Set of Supplemental Responses to Defendant Similasan Corp's 1st Set of Interrogatories 2014-03- 14
543			Plaintiff Lanie Rideout's Second Set of Supplemental Responses to Defendant Similasan Corp's 1st Set of Interrogatories 2014-06- 30
544			Plaintiff Lanie Rideout's Responses and Objections to Defendant Similasan Corp's Interrogatories (Set Two) 2015-08-28
545			Plaintiff Lanie Rideout's Responses to Defendant Similasan Corp's 1st Set of Requests for Admission 2015- 08-28
546			Plaintiff Kathleen Hairston's Responses to Defendant Similasan Corp's 1st Set of Interrogatories 2014-01-31
547			Plaintiff Kathleen Hairston's First Set of Supplemental Responses to Defendant Similasan Corp's 1st Set of Interrogatories 2014-03- 14
548			Plaintiff Kathleen Hairston's Second Set of Suppl Responses to Defendant Similasan Corp's 1st Set of Interrogatories 2014-04- 15
549			Plaintiff Kathleen Hairston's 3rd Set of Suppl Responses to Similasan Corp's 1st Set of Interrogatories 2014-06-30

Ex. No.	DATE MARKED	DATE ADMITTED	DESCRIPTION
550			Plaintiff Kathleen Hairston's 4th Set of Suppl Responses to Defendant Similasan Corp's 1st Set of Interrogatories 2014-05-06
551			Plaintiff Kathleen Hairston's Responses and Objections to Defendant Similasan Corp's Interrogatories (Set Two) 2015-08-28
552			Plaintiff Kathleen Hairston's Responses to Defendant Similasan Corp's First Set of Requests for Admission 2015-08-28
553			2007-2008 Financial Statements SIM 26780-26797
554			2009-2010 Financial Statements SIM 27149-27166
555			2010-2011 Financial Statements SIM 27173-27188
556			2011-2012 Financial Statements SIM 50322-50341
557			2013-2014 Financial Statements SIM 31012-31027
558			ECRM Eye_Ear August 2010_v3 SIM 0000758
559			IRI data SIM 50358
560			Nielsen data SIM 001217
561			Nielsen data SIM 001223
562			Nielsen data SIM 001229
563			Similasan 2008 wholesale price list SIM 000423
564			Similasan 2102 wholesale price list SIM 0025345
565			Similasan 2010 Marketing Plan Eye Care and Cough Syrups SIM 000011

Ex. No.	DATE MARKED	DATE ADMITTED	DESCRIPTION
566			Similasan Earache, Nasal, and Well-Being categories presentation SIM 000018
567			Similasan Monthly POS Overview Snippet 2-22- 15 SIM 0048492-48497
568			Similasan quarterly profit report 2008-2012 (wo HFR) SIM 0030961-30967
569			Similasan summary of profit in CA SIM 0050345-50351
570			Gilli, et al., Enthalpy-Entropy Compensation in Drug Receptor Binding SIMX 0000941-944
571			City of San Diego Water Fluoridation SIMX 000945-947
572			U.S. Public Health Service Recommendation for Fluoride Concentration in Drinking Water SIMX 000948-961
573			McGivern, Joseph, Ziconotide: a review of its pharmacology and use in the treatment of pain SIMX 000962-979
574			Smith, et al., Beyond Picomolar Affinities: Quantitative Aspects of Noncovalent Binding of Drugs to Proteins SIMX 000980-988
575			Schramm, Vern L., Transition States, Analogues, and Drug Development SIMX 000989-999
576			Liu, et al., Femtomolar Concentrations of Dynorphins Protect Rat Mesencephalic Dopaminergic Neurons Against Inflammatory Damage SIMX 001000-1008

Ex. No.	DATE MARKED	DATE ADMITTED	DESCRIPTION
577			Chiba, et al., Development of Femtomolar- Acting Hunam Derivative Named Colivelin... SIMX 001009-1018
578			Kuntz, et al., The maximal affinity of ligands SIMX 001019-1024
579			Singh, et al., The resurgence of covalent drugs SIMX 001025-1035
580			Singh, et al., Targeted covalent drugs of the kinase family SIMX 001036-1041
581			Carmi, et al., Clinical Perspectives for irreversible tyrosine kinase inhibitors in cancer SIMX 001042-1053
582			Williams, et al., Relationship between the humidity and temperature of inspired gas and the function of the airway mucosa SIMX_000019-33
583			Hostanka, et al., BMC Complementary and Alternative Medicine 2012, 12:100 SIM 00050311 - 50320
584			Freeman & Mills Retainer Agreement ACKERMAN000001-000007
585			Heart Clinic of San Antonio articles regarding homeopathy Lee_Similasan 00238-248
586			Agreement for Retaining Consulting Services of Jon A. Krosnick KROSNICK000001
587			PLSIMILASAN000001-000290

Ex. No.	DATE MARKED	DATE ADMITTED	DESCRIPTION
588			PER/IER Form 766 and recondition approval, SIM0025696-25705 et seq.
589			Form 766 SIM0050342-50344

Dated: January 3, 2017

CROWELL & MORING LLP

By: /s./ Michelle Gillette

Attorneys for Defendant
SIMILASAN CORPORATION

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